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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,402

07/29/2003

Min Jang

K-0527

3992

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7590

04/10/2006

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EXAMINER

MEHRA, INDER P

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,402	Applicant(s) JANG, MIN	
	Examiner Inder P. Mehra	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/20/05 and 11/14/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 13-15, 23, 26, 29 and 32 is/are rejected.
- 7) ☒ Claim(s) 5-12, 16-20, 24, 25, 27, 28, 30, 31, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/20/05</u> <u>4/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to amendment dated: 11/14/06 and supplemental amendment dated: 12/20/05. Based on this amendment, out of pending claims 1-34, claims 21-22 have been cancelled, claims 23-34 are added as new claims. Therefore, claims 1-20, and 23-34 are pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a), as follows:

The drawings must show every feature of the invention specified in the claims.

Therefore, the limitation in claims 1, 14, *“receiving a packet service interruption request from a mobile station” is not shown in fig. 3*; and must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Refer to ‘Remarks, page 17, paragraph 1. The following steps are not numbered correctly in fig. 3.

- “Releasing Radio bearer (303) should be numbered 2, refer to remarks paragraph 1, page 17;
- “Transmitting a Preserve PDP Context Accept message” (305) should be numbered 3rd.
- In the paragraph 1 of page 16, “SGSN-----and requesting release of the radio bearer *after the first step, corresponding to step (S302 in fig. 3)*”. Refer to fig. 3, UTRAN (not SGSN) is shown as requesting ‘release of

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the radio bearer'. Further, this step is shown after second step, instead of after the first step, as alleged in the "Remarks".

- Refer to paragraph 2 of 'Remarks', page 17. Steps S301,S303,AND S305 have been mentioned as steps first, second and third respectively, refer to specifications, paragraph 2. In fig. 3, these steps are labeled as 1, 3 and 5 respectively. Is causing readability problem and are, therefore, confusing.

Appropriate correction/clarification is required both in the specifications as well as in drawings..

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Priority

3. Refer to Amendment dated: 11/14/05, page 20 under 'Remarks'. The filing date of foreign priority is September 12, 2002, instead of September 12, 2005, as mentioned by applicant.

Claim Objections

4. Claims 21-22 are objected to because of the following informalities:

Claims 21-22 are cancelled, whereas in the 'Remarks', page 16 paragraph 1, claims 20-21 are mentioned as cancelled.

Appropriate correction/clarification is required.

Information Disclosure Statement

5. The information disclosure statement filed 4/2/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because **it is not translated in English language in order to be considered.** It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 2-3 and 15 are rejected under 35 U.S.C. 102(9) as being by **Bergenlid et al** (US Application Publication No. 2003/0156578), hereinafter, **Bergenlid**.

For claims 2 and 15, **Bergenlid** discloses “A method of managing a radio bearer in a mobile communication system, (refer to “**This session signaling packet data context is supported by a dedicated bearer with an interactive class of QoS, refer to paragraph 0011 and 0015**), comprising:

- transmitting from a mobile station a Preserve PDP Context Request message corresponding to a service interruption session, (refer to “**this combined PDP context establishment may be facilitated by introducing PDP context request and accept messages that allow for more than one PDP context**”, refer to paragraph 0045).;
- releasing a radio bearer assigned to the mobile station, (refer to “**the corresponding radio access and radio bearers may be released to conserve radio resources. But the session radio access bearer and radio bearer(s) are preferably maintained for the life of the session. This facilitates establishing another session involving MT1**”, refer to paragraph 0052, and refer to claim 11 also); and

- transmitting a Preserve PDP Context Accept message to the mobile station (**This combined PDP context establishment may be facilitated by introducing PDP context request and accept messages that allow for more than one PDP context. refer to paragraph 0045).**

For claim 3, Bergenlid discloses “requesting the release of the radio bearer corresponding to the service interruption session after step (a)”, (**refer to “ if the voice and voice control streams are inactive for a period of time, the corresponding radio access and radio bearers may be released to conserve radio resources”, refer to paragraph 0052).**

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 14, 23, 26, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bergenlid et al** (US Application Publication No. 2003/0156578), hereinafter, **Bergenlid**. In view of **Nounin et al** (US Application Publication No. 2004/0224719), hereinafter, **Nounin**.

For claims 1, 14, 23, 26, 29 and 32, Bergendid discloses “A method of managing a radio bearer in mobile communication system, (refer to “**This session signaling packet data context is supported by a dedicated bearer with an interactive class of QoS, refer to paragraph 0011 and 0015), comprising:**

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- releasing a radio bearer assigned between the mobile station and a UTRAN while maintaining a Packet Data Protocol Context message in the mobile station, **as recited by claims 26 and 32 also, (refer to “the corresponding radio access and radio bearers may be released to conserve radio resources. But the session radio access bearer and radio bearer(s) are preferably maintained for the life of the session. This facilitates establishing another session involving MT1”, refer to paragraph 0052).**
- receiving a Preserve PDP Context Request message (refer to paragraph 0045), requesting that the PDP Context be maintained in the mobile station while the radio bearer is temporarily released, **as recited by claims 23 and 29, (refer to paragraph 0052);**
- transmitting a Preserve PDP Context Accept message to the mobile station, **as recited by claims 26 and 32, (This combined PDP context establishment may be facilitated by introducing PDP context request and accept messages that allow for more than one PDP context. refer to paragraph 0045).**

Bergendid does not disclose the following limitation, which is disclosed by Nounin, as follows:

- receiving a packet service interruption request from a mobile station (**refer to paragraph 0176 “the radio terminal 10 transmits a signal representing a communication interruption request (not an end request), refer to paragraph 0176).**

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of “receiving a packet service interruption request from a mobile station” as taught by Nounin . The capability can be implemented by incorporating this

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capability in Mobile station. The motivation for using this capability of providing temporary suspension radio bearer for some reasons.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bergenlid et al**, hereinafter, Bergenlid, as above. In view of **Kuo et al** (US Application Publication No. 2004/0203778), hereinafter, Kuo.

For claim 4, Bergendid discloses all the limitations of subject matter of claim 4, with the exception of the following limitations, which are disclosed by Kuo, as follows:

- transmitting a Response message for the radio bearer release result after step (C), refer tp paragraph 0010.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of “transmitting a Response message for the radio bearer release result after step (C),” as taught by Kuo. The capability can be implemented by incorporating this capability in Mobile station. The motivation for using this capability of providing temporary suspension radio bearer for some reasons.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bergenlid et al**, hereinafter, Bergenlid, as above. in view of **Cuney et al** (US Application Publication No. 2004/0064555), hereinafter, Cuny.

For claim 13, Bergendid discloses all the limitations of subject matter of claim 4, with the exception of the following limitations, which are disclosed by Cuny, as follows:

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- wherein the Preserve PDP Context Request and the Preserve PDP Context Accept messages are managed in the MS, refer to paragraph 0079.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of “wherein the Preserve PDP Context Request and the Preserve PDP Context Accept messages are managed in the MS”, as taught by Cuny. The capability can be implemented by incorporating this capability in Mobile station. The motivation for using this capability of providing temporary suspension radio bearer for some reasons.

Allowable Subject Matter

12. Claims 5-12, 16-20, 24-25, 27-28, 30-31 and 33-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed 11/14/05 and 12/20/05 have been fully considered but they are not persuasive.

Applicant argues that the September 12, 2002 priority date of the present application clearly precedes the January 21, 2003 filing date of the Bergenlid reference, and thus Bergenlid is not a proper reference under 35 U.S.C. §102(e), and cannot be properly applied as prior art in a rejection of the present application. It is further noted that Bergenlid claims priority to provisional application 60/354,483 (hereinafter “the Bergenlid provisional application”). The February 8, 2002 filing date of the Bergenlid provisional application precedes the September

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12, 2005 (2002) priority date of the present application, and thus, for purposes of this reply, the Bergenlid provisional application is discussed with respect to the applicable rejections.

In response, it is stated that “a publication and patent of a 35 U.S.C. 111(a) application, which claims priority under 35 U.S.C. 119(e) to a prior U.S. provisional application or claims the benefit under 35 U.S.C. 120 of a prior nonprovisional application, would be accorded the earlier filing date as its prior art date under 35 U.S.C. 102(e), assuming the earlier-filed application has proper support for the subject matter as required by 35 U.S.C. 119(e) or 120.

of above explanation, arguments by applicant are not persuasive.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.\

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Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra 3/7/06
Inder P Mehra
Examiner
Art Unit 2666

TONG TON

DANG TON
PRIMARY EXAMINER